

EXHIBIT 1

Corr Cronin LLP
1015 Second Avenue, Floor 10
Seattle, Washington 98104-1001
Tel (206) 625-8600
Fax (206) 625-0900

I. STATEMENT OF FACTS

Valve is a corporation organized under the laws of Washington State with its principal place of business in King County, Washington. (Decl. ¶ 2.)

On October 2, 2023, Respondent Tyler Kemp (“Respondent”) filed a demand for arbitration against Valve with the AAA alleging anticompetitive practices regarding prices on Valve’s digital gaming platform, Steam. (Ex. 1 at 4-5.) Respondent asserted claims under Sections 1 and 2 of the Sherman Act and the Washington Consumer Protection Act. (*Id.* at 4.)

While the parties disputed whether Respondent could proceed in arbitration, the arbitrator permitted the Arbitration to proceed.³ (Decl. ¶ 4; Ex. 1 at 1-2.)

Following a multi-day arbitration hearing, on July 22, 2025, Arbitrator Gilman issued the Final Award in the Arbitration. (Decl. ¶ 5.)

On July 23, 2025, the AAA transmitted the Final Award to the parties. (Decl. ¶ 6.)

The arbitrator found in the Final Award that:

- (i) Respondent did not prove any “*per se*” violation of Section 1 of the Sherman Act because “the rule of reason applies to [Respondent’s] claims” and, in any event, Respondent “has not presented evidence of a *per se* violation.” (Ex. 1 at 5-6.)
- (ii) Respondent did not prove any violation of Section 1 of the Sherman Act under the rule of reason because Respondent (a) “failed to carry his initial burden of proving a relevant antitrust market,” (b) “did not establish an actionable harm to competition,” and (c) “did not present persuasive evidence or analysis to prove Valve has or consistently enforces a ‘price parity rule,’ to such an extent that it suppresses price competition among platforms,” or any other anticompetitive conduct. (Ex. 1 at 8-9.)

³ On October 18, 2024, Valve filed a Petition to Enjoin Arbitrations in an action in the U.S. District Court for the Western District of Washington captioned *Valve Corporation v. Abbruzzese*, No. 2:24-cv-01717 (the “Petition”). The Petition seeks to enjoin arbitrations brought by Respondent and hundreds of other claimants represented by the same counsel against Valve. The relief sought in the Petition as to Respondent is now moot.

Moreover, even if Respondent had established a relevant antitrust market, actionable harm to competition, and anticompetitive conduct, “which was not the case,” Respondent’s claim still failed because (a) “Valve has shown procompetitive justifications for the challenged conduct” and (b) “[t]he evidence did not show that ‘the same benefits could have been readily achieved by other, reasonably available alternative means that create substantially less harm to competition.’” (*Id.* at 11-14.)

(iii) Respondent did not prove any violation of Section 2 of the Sherman Act under the rule of reason because Respondent (a) “did not make the necessary showings by a preponderance of the evidence” that “Valve has monopoly power,” (b) did not prove that Valve engaged in anticompetitive conduct, and (c) “did not prove ‘antitrust injury’” or damages. (Ex. 1 at 14-15.)

(iv) Respondent did not prove a violation of the Washington Consumer Protection Act: “Since this [claim] tracks the Sherman Act, [Respondent’s] state law claims fail for the same reasons as his Sherman Act claims.” (Ex. 1 at 16.)

The final binding award was as follows:

Claimant’s [Respondent here] claims are hereby DENIED.

The administrative fees of the American Arbitration Association shall be borne as incurred, and the compensation of the arbitrator shall be borne as incurred.

This Final Award is in full settlement of all claims submitted to this arbitration. All claims not expressly granted herein are hereby denied.

(Ex. 1 at 16-17.)

II. STATEMENT OF ISSUES

Whether the Court should enter an order confirming Arbitrator Gilman’s Final Award and enter judgment in accordance with the Final Award.

III. EVIDENCE RELIED UPON

This petition is based upon the Declaration of Blake Marks-Dias, dated July 23, 2025, along with the exhibits thereto.

IV. ARGUMENT AND LEGAL AUTHORITY

A. The Final Award Should Be Confirmed Under RCW 7.04A.220

The Final Award should be confirmed. Under the Washington Uniform Arbitration Act, “[a]fter a party to [an] arbitration proceeding receives notice of an award, the party may file a motion with the court for an order confirming the award.” RCW 7.04A.220. “[T]he court shall issue such an order unless the award is modified or corrected under RCW 7.04A.200 or 7.04A.240 or is vacated under RCW 7.04A.230.” *Id.*

On July 23, 2025, Valve and Respondent received notice of the Final Award. (Decl. ¶ 6.) The Final Award has not been modified under RCW 7.04A.200 or 7.04A.240 or vacated under RCW 7.04A.230. (Decl. ¶ 8.) Accordingly, Valve is entitled to entry of an order confirming the Final Award. Valve notes that the Washington Superior Court recently granted 22 petitions to confirm in a similar set of arbitrations in which Valve prevailed.⁴

⁴ *Valve Corp. v. Anderson*, No. 25-2-06159-1 SEA (Wash. Super. Ct. Mar. 31, 2025); *Valve Corp. v. Banks*, No. 25-2-06159-1 SEA (Wash. Super. Ct. Mar. 31, 2025); *Valve Corp. v. Clark*, No. 25-2-06159-1 SEA (Wash. Super. Ct. Mar. 31, 2025); *Valve Corp. v. Duan*, No. 25-2-06159-1 SEA (Wash. Super. Ct. Mar. 31, 2025); *Valve Corp. v. Gonzalez*, No. 25-2-06159-1 SEA (Wash. Super. Ct. Mar. 31, 2025); *Valve Corp. v. Knooihuizen*, No. 25-2-06159-1 SEA (Wash. Super. Ct. Mar. 31, 2025); *Valve Corp. v. Loomis*, No. 25-2-06159-1 SEA (Wash. Super. Ct. Mar. 31, 2025); *Valve Corp. v. O’Brien*, No. 25-2-06159-1 SEA (Wash. Super. Ct. Mar. 31, 2025); *Valve Corp. v. Otey*, No. 25-2-06159-1 SEA (Wash. Super. Ct. Mar. 31, 2025); *Valve Corp. v. Pedrick*, No. 25-2-06159-1 SEA (Wash. Super. Ct. Mar. 31, 2025); *Valve Corp. v. Rosales*, No. 25-2-06159-1 SEA (Wash. Super. Ct. Mar. 31, 2025); *Valve Corp. v. Schultz*, No. 25-2-06159-1 SEA (Wash. Super. Ct. Mar. 31, 2025); *Valve Corp. v. Toft*, No. 25-2-06159-1 SEA (Wash. Super. Ct. Mar. 31, 2025); *Valve Corp. v. Trodden*, No. 25-2-06159-1 SEA (Wash. Super. Ct. Mar. 31, 2025); *Valve Corp. v. Wilkerson*, No. 25-2-06159-1 SEA (Wash. Super. Ct. Mar. 31, 2025); *Valve Corp. v. Womack*, No. 25-2-06159-1 SEA (Wash. Super. Ct. Mar. 31, 2025); *Valve Corp. v. LaPaglia*, No. 25-2-06159-1 SEA (Wash. Super. Ct. Mar. 31, 2025); *Valve Corp. v. Theriot*, No. 25-2-06159-1 SEA (Wash. Super. Ct. Mar. 31, 2025); *Valve Corp. v. Mac Dougall*, No. 25-2-06159-1 SEA (Wash. Super. Ct. Mar. 31, 2025); *Valve Corp. v. Holm*, No. 25-2-06159-1 SEA (Wash. Super. Ct. Mar. 31, 2025); *Valve Corp. v. Enriquez*, No. 25-2-06159-1 SEA (Wash. Super. Ct. Mar. 31, 2025); *Valve Corp. v. Martinolich*, No. 25-2-06159-1 SEA (Wash. Super. Ct. Mar. 31, 2025). (See Ex. 4 (exemplar order).)

B. Valve Is Entitled to a Judgment in Conformity with the Final Award

Valve is entitled to a judgment in accordance with the Final Award. Upon granting an order confirming an award, the Court “shall enter a judgment in conformity with the order.” RCW 7.04A.250. The court has “a mere ministerial duty to reduce the award to judgment,” *Price v. Farmers Ins. Co. of Wash.*, 133 Wash.2d 490, 497 (1997), and cannot “go behind the face of the award,” *id.* at 496-97.

V. CONCLUSION

For the foregoing reasons, Valve respectfully requests that the Court grant this Petition to confirm the Final Award and enter judgment in conformity therewith.

DATED: July 23, 2025

I certify that this memorandum contains
1,405 words, in compliance with the Local
Civil Rules.

CORR CRONIN LLP

s/ Blake Marks-Dias

Blake Marks-Dias, WSBA No. 28169
1015 Second Avenue, Floor 10
Seattle, Washington 98104-1001
(206) 625-8600 Phone
(206) 625-0900 Fax
bmarksdias@corrchronin.com

Of Counsel

Michael W. McTigue Jr.
Meredith C. Slawe
SKADDEN, ARPS, SLATE,
MEAGHER & FLOM LLP
One Manhattan West
New York, New York 10001
michael.mctigue@skadden.com
meredith.slawe@skadden.com

Attorneys for Petitioner Valve Corporation

VALVE CORPORATION’S
PETITION TO CONFIRM
ARBITRATION AWARD – 5

Corr Cronin LLP
1015 Second Avenue, Floor 10
Seattle, Washington 98104-1001
Tel (206) 625-8600
Fax (206) 625-0900